



October 10, 2019

James Stokes
City Manager
City of Deer Park
710 E. San Augustine
Deer Park, TX 77536

RE: Request for Annexation of +/- 12.0163 acres of Undeveloped Tracts Located along the west side of Independence Pkwy and North of State Highway 225

Dear Mr. Stokes:

Molto Properties LLC, the developer, on behalf of 739 Independence LLC, the property owner, is submitting this petition as a formal request to voluntarily have the above referenced property annexed into the City of Deer Park for commercial development purposes. Similar to our Phase I project annexed earlier this year, the anticipated development consists of an industrial/distribution warehouse building with an estimated total square footage of approximately 171,000 square feet.

We, the developer, are aware that the costs associated with the extension of city water and sanitary sewer service to the site will be our responsibility up to the point deemed appropriate by the City of Deer Park.

The size of the tract under consideration is approximately 12.0163 acres and is reflected on the attached plan shown as "Exhibit A". Further, the site is described by metes and bounds as attached in "Exhibit B".

Attached as "Exhibit C" please find a formal petitions executed by the property owner, which is an entity wholly owned by Molto Properties LLC, including boundary exhibits the metes and bounds for each annexation tract.

Attached as "Exhibit D" please find a recorded copy of the "fee strip" that was acquired by 739 Independence LLC on April 11, 2019. This deed indicates the ownership interest by 739 Independence LLC of a contiguous fee simple interest from the subject property to the Phase I parcel now a part of the City Limits.

Please consider and advise if you need further information in order to process this request. We look forward to working with the City of Deer Park on this exciting project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Parrish", written in a cursive style.

Chad Parrish
Vice President

Exhibit B

METES AND BOUNDS DESCRIPTION 12.0163 ACRES OUT OF THE GEORGE ROSS SURVEY, A-646 HARRIS COUNTY, TEXAS

All that certain 12.0163 acre tract of land out of the George Ross Survey, A- 646 being a portion of that certain 108.499 acre tract of land described in a deed dated 11-01-2005 from Hampshire Chemical Corp. to GEO Specialty Chemicals, Inc. filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File Number Y871006, and being more particularly described by metes and bounds as follows. All coordinates and bearings being referenced to the Texas Coordinate System of 1983. All coordinates reflect grid values and may be converted to surface values by applying a scale factor of 0.99988797257.

BEGINING at a found 5/8" iron rod with cap in the west right-of-way line of Independence Parkway (120' wide) marking the northeast corner of said 108.499 acre tract having grid coordinates of Y=13829792.78, X=3209369.15;

THENCE S 02°24'59" E - 1563.64', with said west right-of-way line to a found 5/8" iron rod with cap for corner.

THENCE S 87°09'17" W - 1.00' to a set 5/8" iron rod with cap for corner;

THENCE N 02°24'59" W - 709.90' to a set 5/8" iron rod with cap for corner;

THENCE S 87°16'46" W - 153.87' to a set 5/8" iron rod with cap for corner;

THENCE S 02°39'37" E - 120.07' to a set 5/8" iron rod with cap for corner;

THENCE S 87°15'31" W - 323.08' to a set 5/8" iron rod with cap for corner;

THENCE N 02°51'50" W - 206.39' to a set 5/8" iron rod with cap for angle point;

THENCE N 47°51'31" W - 149.57' to a set 5/8" iron rod with cap for angle point;

THENCE N 02°24'59" W - 593.19' to a set 5/8" iron rod with cap for angle point;

THENCE N 34°11'00" E - 88.56' to a set 5/8" iron rod with cap for angle point;

THENCE N 87°29'30" E - 532.81' to a the POINT OF BEGINNING containing 12.0163 acres, (523,432 square feet) of land more or less
Compiled from survey by:

PREJEAN & COMPANY, INC.
Surveying / Mapping
01-24-2019



PETITION FOR VOLUNTARY ANNEXATION

TO: THE MAYOR AND CITY COUNCIL OF THE CITY OF DEER PARK, TX

The undersigned owners of the hereinafter described tract of land which is vacant and without residents, or on which less than three (3) qualified voters reside. hereby petition your honorable body to extend the present municipal limits so as to include and annex as a part of the City of Deer Park, Texas, the property described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all purposes. We certify that this Petition is signed and acknowledged by each and every corporation and person owning said land or having an interest in any part thereof.

739 Independence LLC, a Texas limited liability company

By: Molto Properties Fund III LLC, its sole member

By: Molto Properties Fund III GP LLC, its managing member

By: Todd A. Naccarato
Todd A. Naccarato

STATE OF ILLINOIS §
 §
COUNTY OF DUPAGE §

This instrument was acknowledged before me by Todd A. Naccarato

_____ and _____ on the 10th day of
October, 2019

Angela W. Wunschel
Notary Public, State of Illinois

My commission expires Sept. 30, 2022

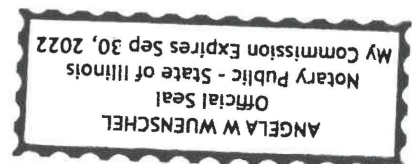


Exhibit "A"

**METES AND BOUNDS DESCRIPTION
12.0163 ACRES OUT OF THE
GEORGE ROSS SURVEY, A-646
HARRIS COUNTY, TEXAS**

All that certain 12.0163 acre tract of land out of the George Ross Survey, A- 646 being a portion of that certain 108.499 acre tract of land described in a deed dated 11-01-2005 from Hampshire Chemical Corp. to GEO Specialty Chemicals, Inc. filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File Number Y871006, and being more particularly described by metes and bounds as follows. All coordinates and bearings being referenced to the Texas Coordinate System of 1983. All coordinates reflect grid values and may be converted to surface values by applying a scale factor of 0.99988797257.

BEGINING at a found 5/8" iron rod with cap in the west right-of-way line of Independence Parkway (120' wide) marking the northeast corner of said 108.499 acre tract having grid coordinates of Y=13829792 78, X=3209369.15;

THENCE S 02°24'59" E - 1563.64', with said west right-of-way line to a found 5/8" iron rod with cap for corner,

THENCE S 87°09'17" W - 1.00' to a set 5/8" iron rod with cap for corner,

THENCE N 02°24'59" W - 709.90' to a set 5/8" iron rod with cap for corner,

THENCE S 87°16'46" W - 153.87' to a set 5/8" iron rod with cap for corner,

THENCE S 02°39'37" E - 120.07' to a set 5/8" iron rod with cap for corner,

THENCE S 87°15'31" W - 323.08' to a set 5/8" iron rod with cap for corner,

THENCE N 02°51'50" W - 206.39' to a set 5/8" iron rod with cap for angle point,

THENCE N 47°51'31" W - 149.57' to a set 5/8" iron rod with cap for angle point;

THENCE N 02°24'59" W - 593.19' to a set 5/8" iron rod with cap for angle point;

THENCE N 34°11'00" E - 88.56' to a set 5/8" iron rod with cap for angle point;

THENCE N 87°29'30" E - 532.81' to a the POINT OF BEGINNING containing 12.0163 acres (523,432 square feet) of land more or less
Compiled from survey by:

PREJEAN & COMPANY, INC.
Surveying / Mapping
01-24-2019



Exhibit D

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HARRIS

§

§

GEO SPECIALTY CHEMICALS, INC., an Ohio corporation, hereinafter referred to as "Grantor", whether one or more, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by Grantee herein named, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL AND CONVEY to 739 INDEPENDENCE LLC, a Texas limited liability company, hereinafter referred to as "Grantee," whether one or more, whose address is 18W140 Butterfield Road, One Lincoln Center, Suite 750, Oakbrook Terrace, Illinois 60181, that certain one (1) foot wide strip of land located along the westerly right of way line of Independence Parkway in Harris County, Texas, and more particularly described to wit (the "Property"):

See Exhibit A attached hereto.

This conveyance is made and accepted subject to (a) all and singular non-delinquent ad valorem taxes for the current year and for all subsequent years; (b) zoning and building ordinances, codes, rules and regulations, if any; (c) non-delinquent utility district assessments and standby fees, if any, applicable to and enforceable against the Property; (d) non-delinquent maintenance assessment liens, if any, applicable to and enforceable against the Property as shown by the records of the Clerk of Harris County, Texas; (e) any statutory water rights, or the rights or interests of the State of Texas or the public generally in any waters, tidelands, beaches and streams being situated in proximity to the Property; and (f) the matters set forth on Exhibit B attached hereto (the "Permitted Exceptions"), to the extent the same are still in force and effect.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the above named Grantee and Grantee's heirs, successors and assigns forever. Grantor does bind Grantor and Grantor's heirs, successors and assigns to WARRANT AND DEFEND, all and singular, the said Property unto the said Grantee and Grantee's heirs, successors and assigns, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

Grantor reserves, however, for Grantor and Grantor's successors and assigns, a perpetual easement on, over, across and under the Property hereby conveyed for vehicular and pedestrian ingress and egress to and from Grantor's land adjoining the Property ("Grantor's Property") and the public right of way adjoining the Property, for the maintenance, installation and repair of utilities serving the Grantor's land adjoining the Property. The aforesaid easement shall include the use by Grantor and Grantor's successors and assigns of the surface and subsurface of the Property and the right to maintain, construct, install and replace improvements such as driveways or sidewalks on the surface of the Property (but Grantor shall not construct any buildings or other material structures upon the Property) and utility lines and drainage or other facilities in the subsurface of the Property in connection therewith the aforesaid uses. Grantor and Grantor's successors and assigns shall also have an easement and right to use the surface of the Property

FILED BY
ALAMO TITLE COMPANY
1808437

RP-2019-146826

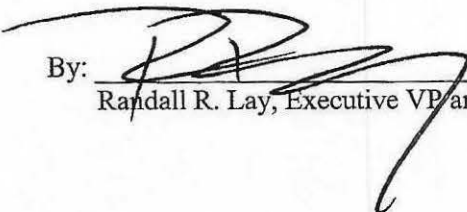
for the maintenance of lawns and other landscaping. The easements reserved unto Grantor and Grantor's successors and assigns herein are appurtenant to and run with Grantor's Property and all portions of it, whether the easement is referenced in any conveyance of Grantor's Property or any portion of it. The easement binds and inures to the benefit of Grantor and Grantor's successors and assigns. Grantor and Grantor's successors and assigns shall have the right to convey to others from time to time the right to use all or part of the easements reserved herein in conjunction with Grantor so long as such further conveyance is subject to the terms set forth herein.

This conveyance is further subject to the reservation set forth on Exhibit C attached hereto and incorporated herein by this reference.

[Signature appears on following page.]

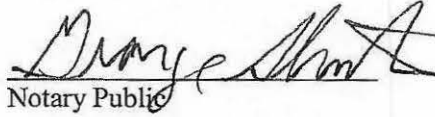
GRANTOR:

GEO SPECIALTY CHEMICALS, INC.,
an Ohio corporation

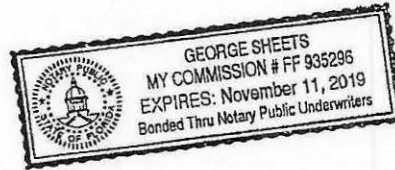
By: 
Randall R. Lay, Executive VP and CFO

FLORIDA
STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 02 day of April, 2019, by Randall R. Lay, the Executive VP and CFO of GEO Specialty Chemicals, Inc., an Ohio corporation, on behalf of the corporation.


Notary Public

AFTER RECORDING RETURN TO:
Kris E. Curran, Esq.
Nixon Peabody LLP
70 West Madison, Suite 3500
Chicago, IL 60602



RP-2019-146826

EXHIBIT A

Description of the Property

All that certain 710 square feet tract of land out of the George Ross Survey, A- 646 being a portion of that certain 108.499 acre tract of land described in a deed dated 11-01-2005 from Hampshire Chemical Corp. to GEO Specialty Chemicals, Inc. filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File Number Y871006, being more particularly described by metes and bounds as follows. All coordinates and bearings being referenced to the Texas Coordinate System of 1983. All coordinates reflect grid values and may be converted to surface values by applying a scale factor of 0.99988797257.

Commencing at a found 1" aluminum disk in the west right-of-way line of Independence Parkway (120' wide) marking the northeast corner of said 108.499 acre tract; THENCE S 02°24'59" E - 853.74', with said west right-of-way line to a set 5/8" iron rod marking the POINT OF BEGINNING of the herein described tract having grid coordinates of Y=13828939.79, X=3209405.15;

THENCE S 02°24'59" E - 709.90', continuing with said west right-of-way line to a set 5/8" iron rod with cap for corner;

THENCE S 87°09'17" W -1.00' to a to a set 5/8" iron rod with cap for corner;

THENCE N 02°24'59" W - 709.90' to a to a set 5/8" iron rod with cap for corner;

THENCE N 87°16'46" E -1.00' to the POINT OF BEGINNING containing 710 square feet, (0.0163 acres) of land more or less.

RP-2019-146826

EXHIBIT B
Permitted Exceptions

1. Taxes and assessments for 2019 and subsequent years.
2. A pipeline right-of-way and easement over and across the subject tract, being granted to Houston Natural Gas Corporation by instrument recorded in Volume 3460, Page 236 of the Deed Records of Harris County, Texas.
3. A pipeline right-of-way and easement 20 feet in width over and across the subject tract, being granted to United Gas Pipe Line Company by instrument recorded under Clerk's File No. C991483 of the Real Property Records of Harris County, Texas.
4. Subject to easements as set forth in instrument recorded under Clerk's File No. H342805 and assignment as reflected in instrument recorded under Clerk's File No. M572663 of the Real Property Records of Harris County, Texas.
5. Easements, Terms, Conditions and Stipulations as set forth in instrument recorded under Clerk's File No. K515255 of the Real Property Records of Harris County, Texas, as affected by instrument recorded under Clerk's File No. K515254 of the Real Property Records of Harris County, Texas.
6. Easements as granted to Houston Lighting and Power Company as set forth and reflected in the instrument recorded under Clerk's File No. M051326 of the Real Property Records of Harris County, Texas.
7. Terms, conditions and stipulations, together with all easements, as set forth and described in that certain Pipeline Right-of-Way and Easement, granted to PRAXAIR, INC., recorded under Harris County Clerk's File No. Y043420.
8. ½ of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as the same are set forth in the instrument recorded under Clerk's File No. B-530109 of the Real Property Records of Harris County, Texas, subject to partial waiver of surface rights as set forth in the instrument recorded under Clerk's File No. D349914 of the Real Property Records of Harris County, Texas. Reference to which instrument is here made for particulars.
9. ½ of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as the same are set forth in the instrument recorded under Clerk's File No. F425303 of the Real Property Records of Harris County, Texas. Said instrument sets forth specifics under (q) in said instrument, subject to designation of drill sites identical to those referred to in the instrument recorded under Clerk's File No. D349914 of the Real Property Records of Harris County, Texas. Reference to which instrument is here made for particulars.
10. Matters that would be disclosed by survey.

RP-2019-146826

EXHIBIT C
Reservation

The Grantor hereby reserves all of the Mineral Estate (as hereinafter defined) in the Property owned by Grantor. As used herein, "Mineral Estate" means all oil, gas, and other minerals in and under and that may be produced from the Property, any royalty under any existing or future mineral lease covering any part of the Property, executive rights (including the right to sign a mineral lease covering any part of the Property), implied rights of ingress and egress, exploration and development rights, production and drilling rights, mineral lease payments, and all related rights and benefits. The Mineral Estate includes water, sand, gravel, limestone, building stone, caliche, surface shale, near-surface lignite, and iron, and the use of the surface of the Property or the use of surface materials for mining, drilling, exploring, operating, developing, or removing the oil, gas, and other minerals from the Property.

RP-2019-146826

RP-2019-146826

RP-2019-146826
Pages 7
04/11/2019 01:21 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS